

REMARKS

This Application has been reviewed in light of the Office Action mailed December 6, 2006. All pending Claims 1-45 were rejected in the final Office Action. For at least the reasons provided below, Applicants respectfully request reconsideration and allowance of all pending claims.

Response to Amendment

On page 2 of the Office Action, the Examiner indicates that prosecution is being reopened in view of a Supplemental Appeal Brief filed in June 16, 2006. However, prosecution was already reopened in an Office Action mailed October 20, 2006. Applicants responded to this previous Office Action in a Response filed on December 28, 2006.

Section 101 Rejections

The Examiner rejects Claims 15 and 45 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The preamble of Claim 15 has been amended in an effort to address the Examiner's rejection. Regarding Claim 45, this claim comprises means plus function limitations and is statutory pursuant to 35 U.S.C. § 112, ¶ 6. *E.g., see In re Alappat*, 33 F.3d 1526, 31 U.S.P.Q.2d 1545 (Fed. Cir. 1994). Reconsideration and favorable action are respectfully requested.

Section 103 Rejections

Claims 1, 6-8, 11-17, 22-24, 27-31, 36-38 and 41-45 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,974,134 issued to Park ("*Park*") in view of U.S. Patent No. 6,570,879 issued to Kikuchi ("*Kikuchi*").

In order to establish a *prima facie* case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple references; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143. In the present case, a *prima facie* case of obviousness cannot be maintained

at least because *Park* and *Kikuchi*, whether considered singly, in combination with one another, or in combination with information generally available to those of ordinary skill in the art at the time of the invention, fail to disclose all of the elements of the pending claims.

Claim 1 of the present Application, as currently amended, recites the following limitations:

A method for sharing distributed media resources, comprising:
determining at a first call manager that a telephony device controlled by the first call manager requires the use of a media resource device;
selecting an appropriate media resource device from a media resource group list associated with the telephony device, wherein the media resource group list comprises one or more media resource groups, each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name, and wherein selecting an appropriate media resource device from the media resource group list comprises selecting a device name associated with a device type that is required by the telephony device; and
communicating an allocation request to a device process associated with the selected media resource device, the device process executing at a second call manager controlling the selected media resource device.

Independent Claims 15, 31, and 45 recite similar, although not identical, limitations.

Although Applicants believe that Claims 1, 15, 31, and 45 are allowable in their unamended form, Applicants have amended these claims in hopes of expediting the allowance of the present application. Specifically, Claims 1, 15, 31, and 45 have been amended to include the limitations of Claims 8, 24, 38 and 8, respectively. Claim 1 is at least allowable over the cited references at least because neither *Park* nor *Kikuchi* disclose, teach or suggest that the media resource group list comprises one or more media resource groups, each media resource group including a list of device names of one or more media resource devices and a device type associated with each device name. The Office Action indicates that these limitations are disclosed in *Kikuchi*. However, the cited passages do not disclose these limitations. The Office Action indicates that the recited “device type” is disclosed in the passages as a “type of QoS the device is requesting.” Applicants respectfully submit that QoS type is not a device type of a media resource device. For at least this reason, Applicants

respectfully request reconsideration and allowance of Claims 1, 15, 31, and 45, as well as the claims that depend from these independent claims.

In addition to depending from an allowable independent claim, several of the dependent claims recite additional limitations that are also not disclosed in the cited references. As an example only and not by way of limitation, dependent Claims 7, 23 and 37 recite that the media resource group list includes a plurality of device names each identifying a media resource device (from Claims 6, 22 and 36), *and accessing a mapping table to determine a process identification (PID) associated with a selected device name, the PID identifying a device process associated with the media resource device identified by the device name.* The Examiner indicates that the italicized language above is disclosed at Column 3, lines 38-49 of *Park*. However, this cited passage discloses “process identifiers” that identify particular *requests* for resources, not resources themselves. Furthermore, there is no disclosure of accessing a mapping table to determine a process identification (PID) associated with a selected device name. For at least this additional reason, Applicants respectfully request reconsideration and allowance of Claims 7, 23 and 37.

As another example, Claims 14, 30 and 44 recite that the media resource group list associated with a telephony device is received from the telephony device. The Office Action indicates that these limitations are disclosed in *Kikuchi*. However, the cited passage does not disclose these limitations. In the cited passage, a LAN telephone server searches for a list and sends the list to the telephony device. There is no disclosure of a media resource group list associated with a telephony device being *received from* the telephony device. For at least this additional reason, Applicants respectfully request reconsideration and allowance of Claims 14, 30 and 44.

Furthermore, Claims 3-5, 19-21, and 33-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of U.S. Patent No. 5,757,781 issued to Gilman et al (“*Gilman*”). In addition, Claims 2, 18 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of U.S. Patent No. 6,512,918 issued to Malomsoky (“*Malomsoky*”). Moreover, Claims

9, 25 and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of U.S. Patent No. 6,304,645 issued to Holland ("*Holland*"). Finally, Claims 10, 26 and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Park* in view of *Kikuchi* and further in view of U.S. Patent No. 6,687,234 issued to Shaffer ("*Shaffer*").

Each of these claims depends from one of independent Claims 1, 15, 31, or 45. As discussed above, Applicants believe that these claims are in condition for allowance. Therefore, at least because they depend from an allowable independent claim, Applicants respectfully request reconsideration and allowance of these claims.

CONCLUSION

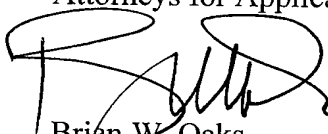
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Brian W. Oaks, Attorney for Applicants, at the Examiner's convenience at (214) 953-6986.

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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